IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION No. 346 OF 1996

Shrihari Vaidya & Ors. ... Petitioners

Vs.
The State of Maharashtra
and Ors. ... Respondent

...
Mr. S. S. Pandit for petitioners.
Mr. A. H. Palekar, AGP
...

CORAM : A. M. KHANWILKAR,J.

DATE : April 3, 2006.

P.C.

. Heard the counsel for parties. Perused the pleadings. In this petition, grievance is made about non compliance of direction contained in order dated 14th June, 1996 passed by the Division Bench in Writ Petition No. 3508 of 1992. The Division Bench of this Court directed the Government to implement the scheme in favour of the petitioners within 12 weeks from the date of the order. That direction was not complied within time. The petitioner took out the present Contempt Petition on 28th October, 1996. It is not in dispute that the State Government took out application before the Division Bench for extension

of time, in which indulgence was shown by the Division Bench by staying operation of the decision dated 14th June, 1996 for a period of two weeks from 10 January 1997. In other words, the effect of the order in question was kept in abeyance till 27th January 1997. Soon thereafter the State Government took up the matter in appeal before the Apex Court, which in turn granted interim relief on 7th April 1997. In other words, the petitioners may be justified in contending that the breach committed by the State Government continued till the Supreme Court granted stay. Even so, in my opinion, in such a case the question of holding that the authorities have committed wilful disobedience of the order of this Court, does not arise. Hence, it is not a case for precipiting the matter. Accordingly, Petition is dismissed.

2. At this stage Mr. Pandit has brought to my notice that the reply affidavit filed on behalf of respondent nos. 1, 2 and 3 makes no attempt to tender apology for the technical breach committed during relevant period by the officers. The learned AGP sought to justify the contents of the affidavit. Reliance is placed on paragraph 1 of

affidavit, wherein it is mentioned that the respondents have greatest respect and highest regard to this Court and to follow the order of the Court in its letter and spirit. That does not mean that apology has been tendered by the contemnors. The respondent no.3 is personally present in the Court. He tenders unconditional apology and also expresses regret for the non inclusion of apology in the affidavit as filed. The unconditional apology, as tendered is accepted.

3. Notices issued to respondents are discharged.

[A. M. KHANWILKAR, J.]